

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Civil Action No.: 1:20 - CV - 0840 (BKS/CFH)

Plaintiffs,

VS.

HOWARD ZUCKER, et al.

Defendants.

DECLARATION OF J.H. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION

I, pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. I am the father of two children residing in the Marcellus School District in New York.
2. I write this declaration in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.
3. Last year, on the advice of our Pediatrician, we submitted a medical exemption for our son written by our pediatrician, a physician licensed to practice in New York who treats my child.
4. I did not try to seek out this medical exemption. We were trying to do what was asked of us by the state of NY and had taken my son and daughter in to get vaccinated to start the school year.
5. My daughter had side effects that were troubling and consistent with negative effects that I had had as a child to immunizations.

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2 6. However, when it came to our son, our regular pediatrician on his own suggested that

3 we get a medical exemption based on his determination that the potential harm vastly

4 outweighed the potential benefit given my son's condition. Our son clearly needed this

5 exemption and we agreed it was in his best interest.

6

7 7. We handed in the exemption to the school and it was denied within hours. I asked

8 who denied it. The school nurse seemed very unsure how to answer but told me it was

9 the Department of Health. We gave up. It was awful.

10

11 8. I thought he had one more day before the 14-day cut off and sent my son to school.

12 They were waiting for him, pulled him aside, and took him to the office and held him

13 there away from his classes until I could come and pick him up.

14

15 9. To say he was devastated and embarrassed is an understatement. Mortified and in

16 disbelief as to what was happening. And it happened so quickly with no explanation

17 or discussion.

18

19 10. In addition to the above, my son was left completely depressed, alone, afraid, unsure

20 and he began to lose weight. He felt ostracized from society.

21

22 11. His mental state, which had some fragility before, has severely deteriorated. We were

23 all suddenly thrust into homeschooling which was the last thing that he wanted. He

24 wants to be in school.

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2 12. My job, which I am no longer at, suffered because I needed to help with
3 homeschooling and honestly, we felt that it was not safe to leave him home alone due
4 to seeing the depression set in.
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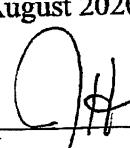
6 13. My heart absolutely goes out to the other families in this situation. But please be
7 assured of the fact that the effect this had on my son as an individual and us as a
8 family was very great indeed.
9

10 14. I want to also take a moment to say something. We are but one family from a small
11 town in Upstate NY.
12

13 15. We are trying the best we can to follow the rules the state sets, even though it goes
14 against our judgment of what is best for our children and is troubling to us. However,
15 at this point, we just have no choice. Even our son's doctor agrees he cannot be safely
16 vaccinated right now. What are we supposed to do? We feel helpless and we implore
17 the Court to intervene. This has gone too far.
18

19 16. Wherefore, I respectfully ask this Court to grant the relief and let our children remain
20 in school pending the outcome of this case and to stay the regulations that allow school
21 districts to overrule treating physicians.
22

23 RESPECTFULLY SUBMITTED this 14 day of August 2020
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25 
26 J.H.
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